

REMARKS

Claims 1-4, 7-16 and 18-20 are currently pending in the instant application. No claims have been amended or cancelled.

Summary of Telephonic Interview

The undersigned and the applicant wishes to thank the examiner for taking the time to conduct a telephonic interview on September 02, 2009. During the interview, the parties discussed the §112 and §102 rejections. Regarding the §112 rejections, the examiner was directed to the locations within the applicant's specification where support could be found for amendments to the claims made in the response to the first Official Action. The Examiner responded favorably to the support in the specification and stated that the applicant had traversed the §112 rejections. Regarding the §102 rejections, the undersigned and the applicant discussed the differences between the cited art, Ritz, and the applicant's invention, with the undersigned and the applicant pointing out specific distinctions between the applicant's invention and Ritz. Although the Examiner responded favorably, he stated that he needed to review the cited reference more carefully in light of the discussion during the telephonic interview.

Claim Rejections under 35 U.S.C. §102

Claims 1-4, 7-16 and 18-19 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,263,632 to Ritz et al. (hereinafter "Ritz"). The applicant respectfully disagrees with these rejections and request favorable reconsideration in light of the discussion hereinafter.

As a background, the concept of an application exception is typically integrated into the application language (i.e. .NET, Java). When an exception event occurs, the application language code throws, or generates, an exception. The application developer can then write code that 1) identifies that an exception occurred and 2) write predefined information about that exception to an event log. In such scenarios only exception events for which a developer wrote exception logging code, *as defined by the developer*, will be available in the event log and thus only the information that is logged by this code will be

assessable to the management system. On the other hand, if the developer chooses not to integrate exception functionality into his code, then when an exception situation occurs, *as defined by the application language*, the software application simply terminates without logging the exception and any information about the exception is lost without resolving the issue.

This is the situation in Ritz, where application events are not dynamically determined, but rather they are predefined by the application developers and are thus integrated into the application software. When a predefined application event occurs and is recognized, Ritz logs predefined application exception data into an event log. Ritz then relies on the data logged into the event log to resolve the issue. In other words, Ritz relies on data (predefined by the developer) that is no longer available and that was logged into the event log based on an exception event that has passed. This is important because once the data is logged it is too late to obtain any more information about the event. Thus, Ritz cannot dynamically detect the occurrence of application exceptions that are not explicitly identified by the application code and thus cannot dynamically collect information about the exception. Moreover, because Ritz cannot dynamically detect the occurrence of application exceptions that are not explicitly identified by the application code, Ritz cannot determine whether an exception is a critical exception or a non-critical exception. This is already predefined by the developer. Once

As an example, the applicant directs the attention of the Office to the Abstract of Ritz which recites in part,

Programmatically diagnosing the root cause of a problem in a computing system. Events are monitored within an operating system, and *at least a subset of the events are logged to a log file.....The diagnostics module queries the log file to correlate events relevant to diagnosis of the problem*, and identifies the root cause by evaluating the results of the query.....

Accordingly, it is clear that Ritz fails to address the problem where a software exception event is not anticipated by the application developer and is thus not integrated into the software application as a *predefined application event*. In fact, the disclosure and teachings of Ritz are in direct contradiction to the applicant's invention which, *prior to the application exception being logged*, dynamically identifies the occurrence of an

application exception, collects data responsive to the application exception and examines the collected data to determine 1) if the application exception is a critical exception, 2) identify critical exception data and 3) determine the type of critical exception.

With regard to independent claims 1, 14 and 19, the Office directs the applicant's attention to col. 6, lines 38-50, col. 5, lines 27-43 and the Abstract of Ritz as support for their rejections. However, in light of the summary hereinabove and a review of the cited passages of Ritz, the applicant asserts that it is clear that Ritz makes no mention or suggestion of dynamically identifying an application exception prior to the application exception being logged, obtaining exception data responsive to the application exception, examining the exception data, prior to the application exception being logged, determining whether the application exception is a critical exception and identifying critical exception data.

The applicant supports this assertion by directing the attention of the Office to col. 5, lines 27-43 and the Abstract of Ritz, which recite in part, respectively,

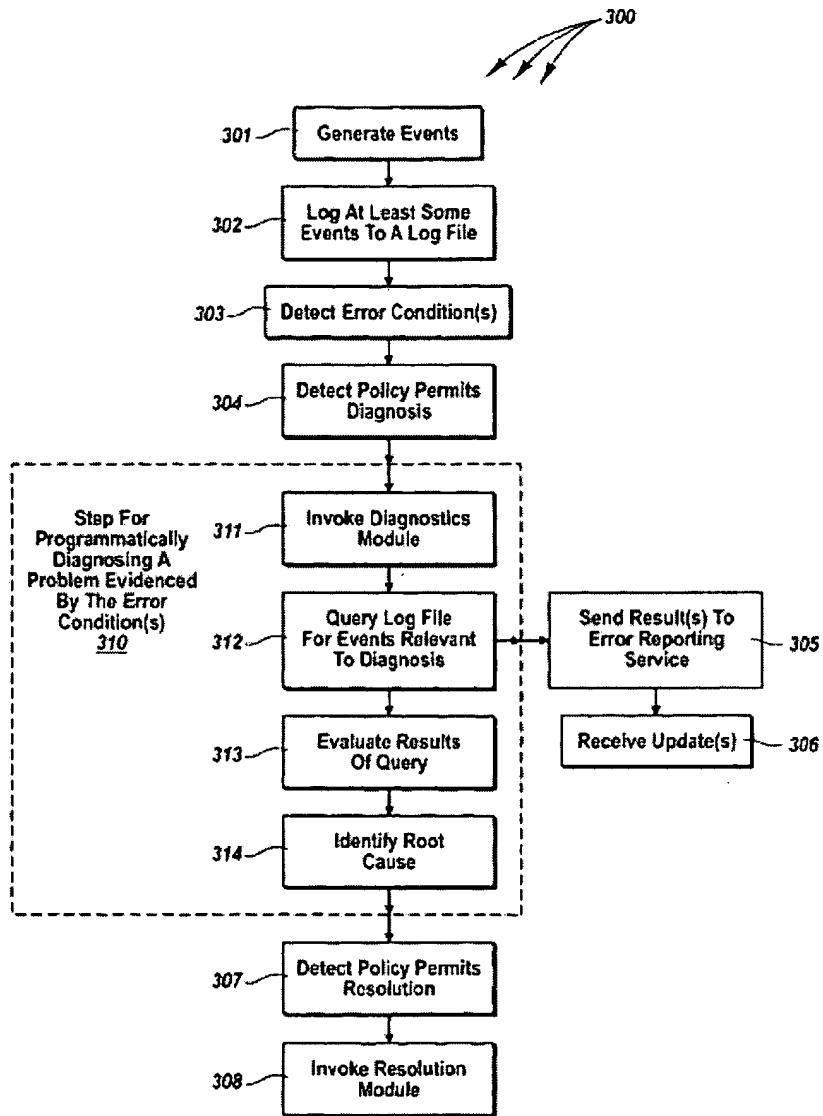
The *event providers* 262 communicate events 202 to a logger 204. In one embodiment, the *amount of data that is to be collected* at any given point *is bounded* by the then existing circumstances.
and,

.....at least a subset of the *events are logged to a log file*.....
The diagnostics *module queries the log file to correlate events* relevant to diagnosis of the problem.,”

The applicant further directs the attention of the office to to Figure 3 and col. 6, lines 14-18 of Ritz (i.e. the text which accompanies the passage at col. 6, lines 38-50 cited by the Office) which recite, in part,

At some point *while logging at least a subset of the monitored events* (302), the *computing system 201 detects one or more error conditions* (act 303). Referring to Fig. 2, this may be accomplished by the diagnostics policy service 208. The *diagnostics policy service 208 determines when an actual problem has occurred by*, for example, detecting a predetermined single error condition, or by detecting a predetermined sequence of error conditions has arisen.

This is further supported by block 302 of Figure 3 of Ritz, which is included immediately hereinafter. The Office will take notice in Figure 3 that immediately after the generation of an event in Ritz, the event is logged to a log file then the information in the log is processed. This is in direct contradiction to the applicant's invention.



Thus, it is clear that Ritz merely logs the predefined exception data into an event log, looks at the predefined exception data in the log to determine what predefined action caused the generation of the exception (based on a predefined exception event list) and tries to resolve the exception based on a predefined action before any processing of the data is performed.

In light of the above discussion, it is clear that Ritz does not disclose, teach or suggest the elements of applicant's independent claims 1, 14 and 19. Accordingly, for at least the foregoing reasons, applicants respectfully submit that independent claims 1, 14 and 19 patentably define over Ritz. Additionally, as claims 2-4 and 7-13 depend from independent claim 1 and claims 15-16 and 18 depend from independent claim 14, they too patentably define over Ritz for at least the same reasons.

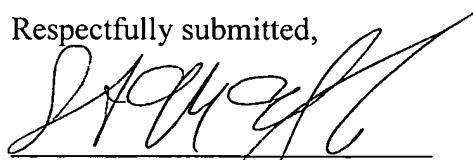
For the foregoing reasons, the applicant respectfully submits that Claims 1-4, 7-16 and 18-20 are not anticipated by and thus are patentably distinguishable over Ritz. Accordingly, favorable reconsideration and withdrawal of these rejections is respectfully requested.

CONCLUSION

The applicant hereby submits with this response a Request for Continued Examination along with the required RCE fee of \$405.00 which the USPTO is authorized to charge to the applicant's attorney's Credit Card as disclosed in the attached form PTO-2038.

For all the foregoing reasons, the applicants respectfully submit that the present application is now in condition for allowance.

Respectfully submitted,



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